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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY - '2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Implementation of Section 309(j)) PP Docket No. 93-253
of the Communications Act)
)
Competitive Bidding)

REPLY

The Personal Communications Industry Association ("PCIA") hereby submits this reply with respect to the petitions for reconsideration of the Federal Communications Commission's *First Report and Order* in the above-captioned proceeding.¹ Five parties, including PCIA, filed petitions for reconsideration of the *First Report and Order*.² Each party seeking reconsideration requests essentially the same relief. Specifically, the petitioners argue that the transfer disclosure rules adopted in the *First Report and Order* are overbroad and unduly burdensome. The petitioners request the Commission to modify or clarify the transfer disclosure requirements so

¹ Implementation of Section 309(j) of the Communications Act, Competitive Bidding, PP Docket No. 93-253 (Feb. 3, 1994) (*First Report and Order*) [hereinafter *First Report and Order*]. A summary of the *First Report and Order* was published in the Federal Register on February 25, 1994. See 59 Fed. Reg. 9100 (Feb. 25, 1994).

² PCIA, Petition for Partial Reconsideration, PP Docket No. 93-253 (filed Mar. 28, 1994); Southwestern Bell Mobile Systems, Inc., Petition for Reconsideration, PP Docket No. 93-253 (filed Mar. 28, 1994); Geotek Communications, Inc., Petition for Reconsideration, PP Docket No. 93-253 (filed Mar. 28, 1994); The National Association of Business and Educational Radio, Inc., Petition for Clarification and Reconsideration, PP Docket No. 93-253 (filed Mar. 28, 1994); The Land Mobile Communications Council, Petition for Clarification or Reconsideration, PP Docket No. 93-253 (filed Mar. 28, 1994).


that they will apply only in those circumstances where unjust enrichment and speculation are likely to be of concern. No opposing comments were filed in response to the petitions for reconsideration.

In view of the consensus among the parties that submitted petitions for reconsideration and the fact that no oppositions were filed in response to these pleadings, PCIA urges the Commission to clarify and modify its rules as requested. Of particular concern to PCIA, the Commission is urged promptly to take action more narrowly defining the application of the disclosure requirements in the following respects: (1) to limit the applicability of the transfer disclosure requirements to situations where the authorized facilities have not been constructed or have been constructed only for some limited period of time; (2) to clarify that the transfer disclosure requirements do not apply to transfers that are merely *pro forma* in nature; and (3) to exclude paging control channels from application of the transfer disclosure requirements. As discussed in detail in PCIA's petition for reconsideration, modification of the transfer disclosure rules in these respects will serve the public interest by ensuring that the transfer disclosure requirements are imposed only as

appropriate, thereby assisting the Commission in deterring unjust enrichment while minimizing the burden on parties to legitimate business transactions.

Respectfully submitted,

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Dated: May 2, 1994

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of May, 1994, I caused copies of the foregoing "Reply" to be mailed via first-class postage prepaid mail to the following:


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